

# Exhibit 3

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<p style="text-align: right;">Page 161</p> <p>1 D. Anderson  2 BY MR. TURCHI:  3 Q. Who did you hear it from?  4 A. Staff.  5 Q. Who?  6 A. Chandelere.  7 Q. Spell that name, please.  8 A. I don't know how to spell it.  9 Q. Is that male or female?  10 A. It's a female.  11 Q. I'll give it a crack. It's  12 C-H-A-N-D-E-L-I-E-R. Do you know her last  13 name?  14 A. No.  15 Q. All right. And she worked under  16 you as an RA?  17 A. Yes.  18 Q. And she told you what?  19 A. She told me that the staff was  20 stealing. In fact, in the meeting that --  21 Valerie confirmed that while I was out money  22 was missing, materials was missing, staff was  23 calling out. So it was not running smoothly.  24 Q. Anybody but Chandelere tell you  25 that?</p>	<p style="text-align: right;">Page 163</p> <p>1 D. Anderson  2 personal time. I think that was FMLA.  3 Q. You were out for about two  4 months; correct?  5 A. Yes.  6 Q. And is it your recollection that  7 you were paid that whole time?  8 A. I think I ran out of time, so  9 no.  10 Q. But you were still allowed to be  11 out?  12 A. Yes.  13 Q. And, again, you don't know  14 whether KenCrest's policy at the time was when  15 you take FMLA you have to exhaust any paid  16 vacation or personal time you have concurrent  17 with the FMLA leave? You just don't know?  18 A. With the FMLA leave, I know you  19 have to use your time. I know that.  20 Q. And that's what you did this  21 time when you were out?  22 A. Yes, when I was forced to take  23 FMLA leave.  24 Q. Didn't you ask for FMLA leave?  25 A. I went to workmen's comp doctor.</p>
<p style="text-align: right;">Page 162</p> <p>1 D. Anderson  2 A. Valerie told me that they were  3 stealing.  4 Q. In this meeting September 23rd?  5 A. No, she didn't tell me in the  6 meeting September 23rd. She told me  7 afterwards.  8 Q. She told you after you went back  9 to work?  10 A. Yes.  11 Q. And you don't remember  12 Chandelere's last name?  13 A. I think it's Saint Fatton. I  14 think it's Saint Fatton.  15 Q. Okay. Anything else about that  16 statement? Anybody else tell you any  17 information that you say refutes that  18 statement that the house was running smoothly  19 when you were not there?  20 A. No.  21 Q. Again, when you were done this  22 now second leave -- was this FMLA leave or  23 workers' comp leave or don't you remember?  24 A. They made me take my personal  25 time. I think that's -- I had to take my</p>	<p style="text-align: right;">Page 164</p> <p>1 D. Anderson  2 And they told me if I need time off, I would  3 have to take the FMLA leave. I didn't ask for  4 it. They told me I had to do it.  5 Q. Who told you that? The workers'  6 comp doctor?  7 A. No. HR from KenCrest told me I  8 had to take that leave.  9 Q. Was there determination made by  10 somebody, whether it be outside of KenCrest or  11 in KenCrest, that you were aware of that this  12 was not workers' comp eligible?  13 A. I don't know.  14 Q. You didn't receive any  15 information in that regard?  16 A. I don't recall that. I recall  17 that HR called and told me that I cannot go to  18 the workmen's comp doctor, I had to go to my  19 own doctor. And if I need time off, I would  20 have to use my personal time and take FMLA  21 leave.  22 Q. But you don't know what the  23 basis for that was?  24 A. Right, I don't recall.  25 Q. You didn't get any documents</p>

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<p style="text-align: right;">Page 165</p> <p>1 D. Anderson 2 that -- 3 A. Not that I recall. 4 MR. TURCHI: Okay. Put 5 that aside. 6 (Exhibit D-14 is marked for 7 identification.) 8 BY MR. TURCHI: 9 Q. I'm showing you a document we've 10 marked Defendant's <u>Exhibit 14</u>. This is a 11 memorandum from KenCrest, Valerie Van Kirk to 12 you, dated October 31, 2011; correct? 13 A. Yes. 14 Q. Does your signature appear on 15 the document? 16 A. Yes. 17 Q. Do you remember getting this 18 document at or around the time? 19 A. Yes. 20 Q. And, again, this is from Valerie 21 Van Kirk; right? 22 A. Yes. 23 Q. She says in this document, this 24 is a follow-up to our meeting of 9/23/11. I 25 am pleased to tell you that you are doing</p>	<p style="text-align: right;">Page 167</p> <p>1 D. Anderson 2 before you were demoted back to an RA, you 3 didn't take any medical leave, you didn't take 4 any FMLA leave, you didn't take any workers' 5 comp leave; correct? 6 A. Right. 7 Q. Now, look at the next document. 8 We've marked as Defendant's <u>Exhibit No. 15</u> a 9 multiple-page document that we produced in 10 discovery marked as Defendant's 187, 188 and 11 189. Now, there's no signature on this 12 document. Do you remember getting it? 13 A. I've never seen this before in 14 my life. 15 Q. Okay. Never before today? 16 A. No. 17 Q. In the first paragraph, what 18 Valerie purports to be saying is, I met with 19 you and your staff on 3/19/12 in regards to a 20 complaint that you were gossiping about her to 21 a coworker. 22 Do you remember that 23 meeting taking place? 24 A. No. 25 Q. Do you remember that allegation</p>
<p style="text-align: right;">Page 166</p> <p>1 D. Anderson 2 well. 3 Did you take this to be 4 harassment or discrimination? 5 A. No. 6 Q. In fact, in this document, what 7 Valerie was doing was pointing out most of the 8 good things that you were doing, and, in a 9 supervisory way, telling you that there was 10 some other things that could be done a little 11 better; correct? 12 A. Yes. 13 Q. Did you think this was 14 appropriate supervision on Valerie's part? 15 A. Yes. 16 MR. TURCHI: You can put 17 that aside. 18 (Exhibit D-15 is marked for 19 identification.) 20 BY MR. TURCHI: 21 Q. Let me ask you a question about 22 this prior document. This was Defendant's 14, 23 the October 31st memo from Valerie Van Kirk to 24 you. It is correct, is it not, that after you 25 got this document from Valerie, at any time</p>	<p style="text-align: right;">Page 168</p> <p>1 D. Anderson 2 being made by a staff against you? 3 A. Yes. 4 Q. Is it your recollection that 5 there was no meeting or you just don't 6 remember? 7 A. I don't remember the meeting. 8 Q. You stated that you did not 9 speak with PW -- we're not mentioning names. 10 I guess she's just trying to keep 11 confidentiality here -- in reference to CSF. 12 Did you tell Valerie that? 13 A. Yes. 14 Q. PW confirmed that you and he 15 were not conversing about CSF, but you did say 16 aloud that you would have to write her up for 17 callouts. Do you remember Valerie telling you 18 that? 19 A. I remember this, yes. 20 Q. And Valerie goes on to say, I'm 21 not saying that you purposely made the 22 statement aloud for him to hear, but I am 23 saying that this behavior should not be 24 repeated and is unacceptable. 25 Did you take that to be</p>

<p style="text-align: right;">Page 169</p> <p>1 D. Anderson 2 discrimination or harassment? 3 A. Yes, I believe it's harassment. 4 Q. Did you think it was appropriate 5 for your supervisor to point out to you that 6 you shouldn't be saying loud enough for other 7 staff to hear that you would be disciplining a 8 member of your staff? 9 A. Can you ask me that again? 10 Q. Yes. When you were a 11 supervisor, when you gave discipline for 12 whatever reason to one of the people under 13 you, did you do that in private or did you do 14 that aloud for everybody -- 15 A. I did it in private all the 16 time. 17 Q. So you accept that that's the 18 appropriate way to do it? 19 A. Yes. 20 Q. So isn't Valerie saying here, 21 whether you remember getting this document or 22 not, isn't she saying that there was this 23 incident where somebody complained about you, 24 she investigated it, she didn't believe that 25 you were actually doing what they complained</p>	<p style="text-align: right;">Page 171</p> <p>1 D. Anderson 2 you and all she told you was, don't do that, 3 it's not appropriate, why do you think that 4 that was harassment or discrimination? 5 A. I wouldn't think that is 6 harassment if that's all she told me. 7 Q. Well, what else did she tell 8 you? 9 A. She told me that she had proof 10 because PW said that I said -- 11 Q. Okay. Anything else? 12 A. -- that I was gossiping and 13 talking. To me, that is harassment, 14 especially when it wasn't done by me. She's 15 harassing me. 16 Q. Did she give you any time off 17 for this? 18 A. No. 19 Q. Did she fire you for this? 20 A. No. 21 Q. Did she put a written warning in 22 your file for this? 23 A. Yes. 24 Q. There's a written warning in 25 your file for this?</p>
<p style="text-align: right;">Page 170</p> <p>1 D. Anderson 2 about, which was gossiping, but she did learn 3 or believed she learned that you out loud 4 talked about disciplining one staff such that 5 another staff member heard it? Do you 6 remember that occurring? 7 A. You lost me again. 8 Q. What are you not understanding? 9 A. Are you asking me what Valerie 10 believed she learned? Because I don't know 11 that. 12 Q. That's right, you never would 13 believe it. But did she discuss with you this 14 issue? Did she discuss with you that she, in 15 investigating the complaint that you were 16 gossiping, learned that you out loud talked 17 about discipline of one staff such that 18 another staff heard it? Did she discuss that 19 with you? 20 A. Yes, she discussed it with me. 21 Q. All right. Again, I'm not 22 asking you to agree that it happened. I'm 23 just -- you remember her discussing it? 24 A. Yes. 25 Q. So if she discussed that with</p>	<p style="text-align: right;">Page 172</p> <p>1 D. Anderson 2 A. She wrote me up for this. I 3 don't know if it's written or -- she wrote me 4 up for this. 5 Q. If she did, we'll get to it. It 6 will be one of the other documents. 7 She goes on to point out 8 some other issues in here; right? She's 9 talking about the green log books. What are 10 the green log books? 11 A. Those are daily communication of 12 what happened with the clients. 13 Q. And she's also pointed out that 14 Chandelere -- I guess that's the same person 15 that you pointed out earlier -- made reference 16 to the fact that she does the majority of the 17 work when she works with you while you say 18 that you are doing paperwork in the office. 19 You disagreed with that complaint also. 20 However, through review of 21 the documentation within the site, it does 22 appear that she is doing the majority of the 23 work. 24 Do you think that the log 25 books did not show that at the time?</p>

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1	D. Anderson	D. Anderson
2	A. I don't agree with it.	2 you know what MV, MC and KS stand for?
3	Q. Why?	3 A. Do you want me to assume?
4	A. I don't think she -- I think the	4 Because I don't know.
5	work was shared.	5 Q. No, I don't want you to assume.
6	Q. What's the chart in the middle	6 You never saw those before?
7	of this page?	7 A. <del>the</del> MV, I'm assuming that's the
8	A. I have no idea.	8 client's initials.
9	Q. You don't know what that points	9 Q. Do you remember clients with
10	out?	10 initials of those back at that time?
11	A. I don't.	11 A. Yes.
12	Q. It says green log entries,	12 Q. All right. So you don't have to
13	January, February and March of 2012.	13 say their names. We really shouldn't say
14	A. Yeah, this is something Valerie	14 their names. But what the chart purports --
15	made up here.	15 and I know you didn't prepare it -- is that in
16	Q. Made up the chart or made up the	16 January and February and in March there were
17	information?	17 more entries for Chandelere than there were
18	A. She made up the chart, along	18 for you. That's all I'm asking you. Isn't
19	with the information. We don't have a chart	19 that what the chart indicates?
20	like that for KenCrest.	20 A. That's what the chart indicates.
21	Q. That's not what I'm asking you.	21 Q. And you have no way, sitting
22	You have green log books; correct?	22 here today, of either agreeing with that or
23	A. Yes.	23 pointing out that it's not true; correct?
24	Q. So if somebody looks at green	24 A. Right.
25	log books and wants to see in January of 2012	25 Q. In the last paragraph of this
	Page 174	Page 176
1	D. Anderson	D. Anderson
2	log entries, somebody could do that and count	2 document it says, papers that were given to
3	them; correct?	3 you are not in the books, nor are they
4	A. Yes.	4 properly filed. Old paperwork is still in the
5	Q. And who does DA refer to?	5 books that should have been removed.
6	A. Me.	6 Did she speak to you about
7	Q. And who does CSF refer to?	7 that?
8	MR. ZAHNER: Objection.	8 A. No, not -- I don't know what --
9	BY MR. TURCHI:	9 Q. She didn't or you don't
10	Q. If you know.	10 remember?
11	A. Chandelere.	11 A. I don't know when this was
12	Q. You said it was Chandelere Saint	12 dated, so I guess it doesn't matter.
13	something?	13 Q. Well, there's at the very top of
14	A. Saint Fatton, right.	14 the -- again, you've already told me you
15	Q. So that would be her initials;	15 didn't see this document. I accept that. I'm
16	right?	16 just asking you questions about the substance
17	A. Right.	17 of the document. At the top of it, it says
18	Q. So what this chart purports to	18 she met with you and your staff on March 19th
19	do -- and I'm not asking if you agree with it,	19 of 2012. So that's the time frame. And then
20	but it purports to point out log entries for	20 in the chart, it points out January and
21	January, February and March relative to you	21 February and March dates. Do you see those?
22	and Chandelere; correct?	22 A. Yes.
23	A. That's what it's pointing out,	23 Q. Of 2012; correct?
24	yes.	24 A. 2012, uh-huh.
25	Q. All right. What are these? Do	25 Q. So do you have any recollection

<p style="text-align: right;">Page 177</p> <p>1 D. Anderson 2 sitting here today of whether Valerie spoke 3 with you about this issue I read about papers 4 not being in the books, not properly filed, 5 and old paperwork in the books that should 6 have been discarded?</p> <p>7 A. Not at <del>that</del> time, no.</p> <p>8 Q. Did she talk to you about that 9 before?</p> <p>10 A. I think so, like, when she first 11 came on. I think so.</p> <p>12 Q. You don't know for sure?</p> <p>13 A. I don't.</p> <p>14 Q. Go to the second page. I want 15 to ask you some questions about those bullet 16 points there.</p> <p>17 The second bullet point has 18 a date of March 10th of 2012. She says you 19 were provided with the date of the next 20 speaking for ourselves meeting. MC expressed 21 interest in attending a meeting to see if he 22 wanted to be part of the group. I e-mailed 23 you the information and you were to ensure 24 that he made it to the meeting. He missed the 25 meeting.</p>	<p style="text-align: right;">Page 179</p> <p>1 D. Anderson 2 resident's birthday at the home?</p> <p>3 A. Absolutely. That was done.</p> <p>4 Q. Okay. And the last bullet point 5 on that page is talking about Thursday April 6 6th of 2012, she says she was at the site and 7 a staff was sent to see the doctor to comp <del>on</del> 8 a follow-up appointment from the ER visit on 9 4/2/12. And the staff who was a fill-in staff 10 had no idea why she was at the appointment. 11 She had no info from the ER. And it appeared 12 that she was not aware prior to the shift that 13 she was expected to complete a med appointment 14 that morning. The medical visit form that you 15 printed for the appointment did not list all 16 of KS's current meds causing the doctor to 17 prescribe a medication that the individual is 18 already taking.</p> <p>19 Do you remember that issue 20 taking place?</p> <p>21 A. Yes.</p> <p>22 Q. Was it correct that you printed 23 out that form that didn't have all of the meds 24 on it?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 178</p> <p>1 D. Anderson 2 Do you remember that 3 occurring, MC missing the meeting?</p> <p>4 A. No.</p> <p>5 Q. You don't remember that being 6 brought to your attention?</p> <p>7 A. I don't know what Q site is.</p> <p>8 Q. I'm sorry?</p> <p>9 A. No, I don't remember.</p> <p>10 Q. She goes on to say, you actually 11 worked that day and you told her that you 12 forgot because you were busy.</p> <p>13 Do you have a recollection 14 of that occurring?</p> <p>15 A. No.</p> <p>16 Q. The next one she says, on Friday 17 3/30/12 was MV birthday and there was no 18 indication by you that it was even his 19 birthday. When I spoke to you about it, you 20 said you didn't remember his birthday.</p> <p>21 Do you remember that 22 conversation with Valerie?</p> <p>23 A. No.</p> <p>24 Q. Was it the job of the community 25 home supervisor to acknowledge and recognize a</p>	<p style="text-align: right;">Page 180</p> <p>1 D. Anderson 2 Q. And you sent that staff who was 3 a temporary staff to the appointment with that 4 form?</p> <p>5 A. I didn't send anyone. I was 6 off.</p> <p>7 Q. Did you print out the form for 8 the appointment?</p> <p>9 A. I printed out the form, yes.</p> <p>10 Q. Do you accept and agree that, as 11 the CHS for the home, that you were required 12 to have the knowledge and make sure that the 13 forms were complete about medications that the 14 residents were taking?</p> <p>15 A. Yes.</p> <p>16 Q. So that was your fault?</p> <p>17 A. No.</p> <p>18 Q. Whose fault was it if it wasn't 19 yours?</p> <p>20 A. The forms are printed off the 21 database. The nurses input the medication. 22 Not the CHS.</p> <p>23 Q. You don't have any obligation to 24 check that? That's your position?</p> <p>25 A. No, that's not my position.</p>

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<p style="text-align: right;">Page 181</p> <p>1 D. Anderson 2 Q. Did you check that form? 3 A. Yes, I did. 4 Q. Did you check that form as 5 against what the resident KS was actually 6 taking, his medication? 7 A. I believe I did. 8 Q. So did you miss something? 9 A. I think so. 10 Q. Then it was your fault? 11 A. No. 12 MR. TURCHI: Okay. You can 13 put that away. 14 (Exhibit <u>D-16</u> is marked for 15 identification.) 16 BY MR. TURCHI: 17 Q. This is Defendant's Exhibit No. 18 16. It's an e-mail chain dated in March, the 19 end of March 2012, from -- the first one, from 20 Valerie to Lois Johnston and Denise Lamlin and 21 the re line is Dekeshia? 22 A. You say the gray line is -- 23 Q. Re line, R-E, I'm sorry. And, 24 again, you're not on this e-mail chain. I'm 25 not going to ask you about the e-mail itself.</p>	<p style="text-align: right;">Page 183</p> <p>1 D. Anderson 2 Q. -- wrote her up for calling out 3 and CHS told another staff that she was 4 planning to write Chandelere up for calling 5 out. 6 Do you remember Chandelere 7 making that complaint? 8 A. No. 9 Q. She didn't talk about that at 10 the meeting? 11 A. She didn't talk to me about it. 12 Q. She didn't say that at the 13 meeting? 14 A. Oh, at the meeting, yes. 15 Q. All right. At the meeting, you 16 were there, Chandelere was there, and Valerie 17 was there? 18 A. Yes. 19 Q. And part of the meeting was 20 Chandelere complained that you were writing 21 her up for calling out and told somebody else 22 about it? 23 A. Right. 24 Q. Whether that happened or not, 25 I'm not asking you.</p>
<p style="text-align: right;">Page 182</p> <p>1 D. Anderson 2 I want to see if you remember any of the 3 meetings that are referenced in here. 4 On the first page, Valerie 5 Van Kirk is telling the people in HR about a 6 meeting with you and Chandelere. Do you see 7 that, very first line? 8 A. Yes. 9 Q. Do you remember having a meeting 10 with Valerie and Chandelere? 11 A. Yes. 12 Q. And in the meeting -- and I'm 13 now talking about the middle of the page where 14 it says meeting notes, 3/20/12. Are you with 15 me? 16 A. Yes. 17 Q. Valerie says that Chandelere 18 reported that the CHS -- that's you; right? 19 A. I'm not -- 20 Q. The meeting notes, are you with 21 me, Chandelere reported? 22 A. Okay. 23 Q. Chandelere reported that the 24 CHS -- that's you; right? 25 A. Yes.</p>	<p style="text-align: right;">Page 184</p> <p>1 D. Anderson 2 A. Okay. 3 Q. But at the meeting it was 4 discussed? 5 A. Yes. 6 Q. Did Chandelere also say at that 7 meeting that you weren't helping with the 8 chores or care of the individuals? 9 A. I don't think so. 10 Q. Did Chandelere say at that 11 meeting she wants to transfer out of Henry 12 Avenue and does not want to work with Dekeshia 13 anymore? 14 A. Yes. 15 MR. TURCHI: You can put 16 that aside. 17 (Exhibit <u>D-17</u> is marked for 18 identification.) 19 BY MR. TURCHI: 20 Q. Okay. I'm showing you a 21 document marked as Defendant's <u>Exhibit No. 17</u>. 22 Is that only one page? 23 A. Yes. 24 MR. TURCHI: Can we take 25 our break now and maybe get a couple copies of</p>

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<p>1 D. Anderson  2 our second page?  3 MR. ZAHNER: Okay.  4 (Break taken.)  5 BY MR. TURCHI:  6 Q. Ms. Anderson, we've now  7 corrected <del>the</del> problem with Defendant's  8 Exhibit-17. It's now, as it should be, two  9 pages. Down the bottom it's Bates stamped  10 Defendant's 182 and 183. Now, this is a  11 disciplinary action form given to you by  12 Valerie Van Kirk, your supervisor, on April  13 11th of 2012; correct?  14 A. Yes.  15 Q. And this one you refused to  16 sign; correct?  17 A. Yes.  18 Q. But you did get it?  19 A. Yes.  20 Q. It was discussed with you?  21 A. Yes.  22 Q. All right. You refused to sign  23 it because you disagreed with it; correct?  24 A. Yes.  25 Q. Now, based on your prior</p>	<p>1 D. Anderson  2 overheard giving out discipline or talking  3 about discipline to a staff member?  4 A. No.  5 Q. You don't dispute that that  6 happened; right?  7 A. No.  8 Q. It did happen?  9 A. That's what I was told.  10 Q. But do you have any information  11 that that didn't happen?  12 A. I have -- no.  13 Q. All right. So part of this  14 warning is Valerie saying to you that that  15 shouldn't happen, information regarding  16 sharing staff information with other staff,  17 that's one of the reasons why you refused to  18 sign this, right, because you don't believe  19 that happened?  20 A. I refused to sign it because I  21 felt like I was being harassed by her.  22 Q. You've said that many times, now  23 I'm asking you why. The first part of the  24 concern that she points out was that you were  25 overheard by a staff member giving or talking</p>
<p>1 D. Anderson  2 testimony, am I correct that you didn't  3 disagree that a complaint like this was made  4 about you by a staff member, but your problem  5 with it was that Valerie Van Kirk accepted the  6 testimony or position of that staff member  7 over yours?  8 A. What's the question?  9 Q. All right. Let me back up.  10 Part of the reason you were given this was  11 this issue that we discussed about you saying  12 loud enough that somebody else heard that you  13 were giving discipline to a staff member;  14 correct?  15 A. Yes.  16 Q. And you don't dispute that the  17 staff member involved made that complaint  18 about you. Your problem is that Valerie Van  19 Kirk accepted somebody's information about  20 that and not yours. Isn't that true?  21 A. I don't dispute it you're  22 saying?  23 Q. Back up, because I don't think  24 you understand me. You don't dispute, do you,  25 that somebody made a complaint that you were</p>	<p>1 D. Anderson  2 about discipline to another staff member;  3 correct?  4 A. Yes.  5 Q. You don't know whether that  6 happened or not? You don't know whether  7 somebody complained about it?  8 A. I don't know.  9 Q. You have no evidence to indicate  10 that it didn't happen, do you?  11 A. I don't.  12 Q. The second part of her concern  13 is a continued failure to ensure that all  14 documentation is completed, all books, data  15 books are not in order with missing  16 information.  17 Did you refute that as  18 well?  19 A. I refute the whole written  20 warning, the whole thing.  21 Q. Did she talk to you about both  22 of those issues?  23 A. I don't think we discussed it.  24 I think she was trying to give me this  25 write-up. I wouldn't take it. I wouldn't</p>

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<p style="text-align: right;">Page 189</p> <p>1 D. Anderson 2 sign it. And she wouldn't discuss it because 3 I wouldn't sign it. 4 Q. And is it correct that before 5 you were given this write-up, you told Valerie 6 that you wanted to transfer? 7 A. Yes. 8 Q. Where did you want to transfer 9 to? 10 A. To the education department. 11 Q. And that wasn't as a CHS; 12 correct? 13 A. No. 14 Q. All right. It was a job doing 15 what? 16 A. Teaching. 17 Q. Had you, at any time before you 18 told Valerie that you wanted to transfer, 19 applied for the job? 20 A. For the -- yes. 21 Q. The teaching job? 22 A. Yes. 23 Q. You applied for it? 24 A. Yes. 25 Q. How?</p>	<p style="text-align: right;">Page 191</p> <p>1 D. Anderson 2 giving it to me. But then she would turn 3 around and say, well, you need this, when I 4 already asked for it. 5 Q. All right. And this was as 6 early as February, and in February we went 7 <del>to</del> that she gave you a good review; correct? 8 A. Yes. 9 Q. Do you have any information from 10 any source that Valerie Van Kirk did not 11 supervise her other homes the same way that 12 she supervised yours? 13 A. No. 14 Q. Do you have any knowledge of how 15 many people who worked for KenCrest in the 16 years 2010, 2011, 2012 took FMLA leave? 17 A. No. 18 Q. Do you have any information of 19 anybody in those years who worked for KenCrest 20 who took FMLA leave and was fired? 21 A. No. 22 Q. Do you have any information from 23 any source of how many people who worked for 24 KenCrest in 2010, '11 and '12 took workers' 25 compensation?</p>
<p style="text-align: right;">Page 190</p> <p>1 D. Anderson 2 A. I went on-line, and I wrote a 3 letter to the director -- I e-mailed her. 4 Q. When was that? 5 A. I believe it was in February. 6 Q. Of 2011? 7 A. Yes. 8 Q. And I take it from your -- back 9 up. 10 So did you apply for that 11 position because you believed you were being 12 harassed as early as February? 13 A. Yes. 14 Q. And what form of harassment did 15 you receive as early as February? 16 A. The same hostile environment. 17 It was just -- the constant pulling at the 18 staff, having them turn against me, the 19 constant underhanded meetings, having the 20 staff come to me with concerns, telling me to 21 direct it this way, but then turning around 22 saying you shouldn't do it that way. It was 23 just a constant backstabbing that went on. 24 And when I asked for paperwork and things that 25 I need for the site to return, she wasn't</p>	<p style="text-align: right;">Page 192</p> <p>1 D. Anderson 2 A. No. 3 Q. Do you have any information from 4 any source of whether anybody who worked for 5 KenCrest in '10, '11 and '12 who took workers' 6 compensation and were fired? 7 A. No. 8 (Exhibit D-18 is marked for 9 identification.) 10 BY MR. TURCHI: 11 Q. I'm showing you what we've 12 marked as Defendant's Exhibit-18. Now, this 13 is a letter, is it not, dated April 20, 2012, 14 to human resources from you; is that correct? 15 A. Yes. 16 Q. And this was given -- this is 17 another complaint that you made to human 18 resources; correct? 19 A. Yes. 20 Q. And you gave this complaint to 21 human resources shortly after the disciplinary 22 form that Valerie Van Kirk gave to you that 23 you refused to sign; correct? 24 A. Yes. 25 Q. All right. And between the July</p>

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<p>1 D. Anderson</p> <p>2 27, 2011 complaint that you made to human</p> <p>3 resources and the date of this, April 20,</p> <p>4 2012, you made no other complaint to human</p> <p>5 resources?</p> <p>6 A. No.</p> <p>7 Q. What is correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Looking at the second paragraph</p> <p>10 of your letter to human resources, you said, I</p> <p>11 have not received any complaint from Valerie</p> <p>12 Van Kirk about my job performance. She told</p> <p>13 me that I was doing very well and she put that</p> <p>14 in writing for me.</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes, you read that correctly.</p> <p>17 Q. All right. Well, tell me how</p> <p>18 that statement that you made to human</p> <p>19 resources could be true when all you've done</p> <p>20 in your lawsuit and today is complain about</p> <p>21 all these times that Valerie Van Kirk harassed</p> <p>22 you about job issues.</p> <p>23 A. Can you repeat that?</p> <p>24 Q. Yeah. That statement that you</p> <p>25 made to human resources in this complaint was</p>	<p>1 D. Anderson</p> <p>2 didn't Valerie Van Kirk -- I know you don't</p> <p>3 agree with her -- didn't she say that you</p> <p>4 weren't doing your job properly, you weren't</p> <p>5 filing paperwork, you weren't completing</p> <p>6 chores with the other people consistently, you</p> <p>7 were verbally abusing staff members; you at</p> <p>8 one time had unprofessional communication when</p> <p>9 a family member was around? Remember all</p> <p>10 those issues we discussed?</p> <p>11 A. Yes.</p> <p>12 Q. Well, all of those things</p> <p>13 Valerie said to you or showed you in writing</p> <p>14 before you wrote this letter to human</p> <p>15 resources, didn't she?</p> <p>16 A. Yes.</p> <p>17 Q. Yet, you said in this letter to</p> <p>18 HR, I have not received any complaint from</p> <p>19 Valerie Van Kirk about my job performance.</p> <p>20 That was not true, was it?</p> <p>21 A. No, it's not. I don't think it</p> <p>22 is.</p> <p>23 Q. You don't think -- you think it</p> <p>24 is true or wasn't true?</p> <p>25 A. It wasn't true. This is not</p>
<p style="text-align: center;">Page 194</p> <p>1 D. Anderson</p> <p>2 not true; isn't that right?</p> <p>3 A. Is that your question?</p> <p>4 Q. Yes. It was not true; correct?</p> <p>5 A. Wrong.</p> <p>6 Q. Okay. Well, didn't you --</p> <p>7 haven't you complained here today and</p> <p>8 testified about multiple times that Valerie</p> <p>9 Van Kirk told you there was an issue with</p> <p>10 paperwork, there was an issue with this, there</p> <p>11 was an issue with that? Didn't that all</p> <p>12 happen before April 20, 2012?</p> <p>13 A. Can I clarify?</p> <p>14 Q. Answer my question first and</p> <p>15 then you can clarify. Didn't you complain</p> <p>16 about all those things here today?</p> <p>17 A. I did not complain.</p> <p>18 Q. Back up. I've given you a</p> <p>19 chance to testify today about all of these</p> <p>20 supervisory contacts and other issues, the</p> <p>21 memorandums, the letters that you received</p> <p>22 from Valerie Van Kirk. Have you not testified</p> <p>23 about those?</p> <p>24 A. I did.</p> <p>25 Q. And in all of those forms,</p>	<p style="text-align: center;">Page 196</p> <p>1 D. Anderson</p> <p>2 true.</p> <p>3 Q. You did point out, however, that</p> <p>4 she told you you were doing well and she put</p> <p>5 that in writing for me. That's the document</p> <p>6 that I showed you earlier; right?</p> <p>7 A. Yes.</p> <p>8 Q. And she did do that, she gave</p> <p>9 you a document saying you were doing well, but</p> <p>10 she also said in that document there are some</p> <p>11 things you can do better; right?</p> <p>12 A. Yes.</p> <p>13 Q. The last thing you said here,</p> <p>14 you want to transfer to a job you applied for</p> <p>15 on February 20th. Does that refresh your</p> <p>16 recollection? Is that when you applied for</p> <p>17 this teacher job?</p> <p>18 A. Yes.</p> <p>19 Q. All right. You can put that</p> <p>20 aside.</p> <p>21 (Exhibit D-19 is marked for</p> <p>22 identification.)</p> <p>23 BY MR. TURCHI:</p> <p>24 Q. I'm showing you what we've</p> <p>25 marked as Defendant's Exhibit-19. And this is</p>

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<p style="text-align: right;">Page 197</p> <p>1 D. Anderson 2 a letter to you dated April 30, 2012 from 3 Maggie Bolin; correct? 4 A. Yes. 5 Q. Did you receive this letter? 6 A. I think so. 7 Q. All right. Do you see that it 8 was sent certified mail up there? 9 A. Oh, yeah, uh-huh. 10 Q. Now, the first part of this 11 letter says that you and I, meaning Maggie and 12 you, met on Tuesday, April 24th to discuss 13 your grievance about the written warning you 14 received on April 11th for job performance 15 issues. Did you have that meeting? 16 A. Yes. 17 Q. Do you remember that meeting? 18 A. Yes. 19 Q. Did you tell Maggie in that 20 meeting everything that you wanted to tell her 21 about that? 22 A. I don't think so. 23 Q. Why not? 24 A. I was too emotional. 25 Q. Okay. Did Maggie give you the</p>	<p style="text-align: right;">Page 199</p> <p>1 D. Anderson 2 the part of our discussion pertaining to your 3 option for stepping down to an RA position. 4 Was that discussed with you 5 at that meeting? 6 A. Yes. 7 Q. Did you bring that up or did she 8 bring that up? 9 A. They brought that up. 10 Q. All right. If a decision were 11 made in that regard, then you would have to 12 consider RA openings in houses other than 13 Henry Avenue. 14 You understood that; right? 15 A. Yes. 16 Q. You didn't want to work at Henry 17 Avenue anyway; right? 18 A. Right. 19 Q. At the present time, there may 20 be a position available in the northeast. 21 Did she talk to you about 22 that position? 23 A. No. 24 Q. If you wish to pursue this or 25 other RA openings, please notify your</p>
<p style="text-align: right;">Page 198</p> <p>1 D. Anderson 2 opportunity to talk to her about what your 3 concerns were? 4 A. I don't feel like she did. 5 Q. Did you know who Maggie Bolin 6 was at that time? 7 A. Yes. 8 Q. Did you ever meet her before 9 that meeting? 10 A. Yes. 11 Q. Did you ever have any contact 12 with her? 13 A. No. 14 Q. Did Maggie ever do anything to 15 you that you thought was harassment or 16 discriminatory? 17 A. No. 18 Q. Mary Ann Maugle was also there 19 at the meeting; correct? 20 A. It was another person. 21 Q. You didn't know who it was? 22 A. No. She did introduce herself, 23 but I don't remember the name. 24 Q. All right. In the third 25 paragraph, she says, also, I wish to clarify</p>	<p style="text-align: right;">Page 200</p> <p>1 D. Anderson 2 supervisor in writing with a copy to me. 3 Did you do that? 4 A. I don't remember. 5 MR. TURCHI: Okay. You can 6 put that aside. 7 (Exhibit D-20 is marked for 8 identification.) 9 BY MR. TURCHI: 10 Q. I'm showing you what we've 11 marked as Defendant's No. 20. It was produced 12 in discovery as Defendant's 291. And this is 13 a copy of an e-mail chain between you and 14 Denise Lamlin; is that correct? 15 A. Yes. 16 Q. And I always have difficulty 17 reading these, but I think you have to start 18 all the way at the bottom. You say hi -- this 19 is Wednesday, May 2nd, 2:14 p.m. Am I 20 right -- 21 A. Yes. 22 Q. -- about the time and date? 23 A. Yes. 24 Q. Hi, Denise. After we talked 25 today and you told me not to come to work</p>

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<p>1 D. Anderson  2 today, Deb called me and asked for all the  3 things I have that is KenCrest. I did tell  4 you that I am uncomfortable working at Henry  5 Avenue, but I'm not quitting. I'm just not  6 sure what is going on at this time. Can you  7 <del>check</del> this up for me?</p> <p>8 Do you remember that to  9 Denise?</p> <p>10 A. Yes.</p> <p>11 Q. And Denise responded to you;  12 right?</p> <p>13 A. Yes.</p> <p>14 Q. She responds, it looks like,  15 within 20 minutes; am I right? May 2nd 2012,  16 2:31 p.m.?</p> <p>17 A. Yes.</p> <p>18 Q. She says, hello Dekeshia. Yes,  19 thank you for contacting me.</p> <p>20 She goes on to say, without  21 reading the whole thing so the court reporter  22 doesn't continue to get mad at me, all Deb  23 really wants is the stuff that she needs to  24 run the house.</p> <p>25 Did you understand that as</p>	<p>1 D. Anderson  2 BY MR. TURCHI:  3 Q. Now, this is Defendant's Exhibit  4 No. 21. And this was also produced as  5 Defendant's 287. All you need to do is look  6 at the very top of this. This is an e-mail  7 chain from you back to <del>Deb</del> and Deborah  8 Rowell, is it not, dated May 2, 2012 at 4:48  9 p.m.?</p> <p>10 A. Yes.</p> <p>11 Q. And you say -- this is your  12 reply to Denise confirming that you got the  13 e-mail. You say, hello Denise. Thank you for  14 understanding and I will wait to hear from  15 you. Thank you, Dekeshia Anderson.</p> <p>16 A. This is confirming I got what  17 e-mail?</p> <p>18 Q. The e-mail that we talked about  19 earlier. It's also below -- it's also below  20 in this the middle part of this page, <u>D-21</u>,  21 where she's telling you that all you need to  22 bring back to Deb is the stuff to run the  23 house.</p> <p>24 A. Okay.</p> <p>25 Q. Is that correct now?</p>
<p>1 D. Anderson  2 the CHS you were in possession of certain  3 things that the house needed?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So am I correct that  6 Denise cleared up your question that you asked  7 her in that e-mail?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Now, the last part  10 of this chain is at the top. It says hello  11 Dekeshia. I replied to your e-mail. Would  12 you please respond and let me know that you  13 got my reply?</p> <p>14 Did I read that correctly?</p> <p>15 A. Uh-huh, yes.</p> <p>16 Q. There is also a note on here  17 that I will let you know is from Denise's  18 handwriting. It says at 3:40 p.m. I called  19 Dekeshia and spoke to her re my e-mail  20 content, Denise Lamlin.</p> <p>21 Do you remember having that  22 conversation?</p> <p>23 A. No.</p> <p>24 (Exhibit <u>D-21</u> is marked for  25 identification.)</p>	<p>1 D. Anderson  2 A. Okay. Yes.  3 (Exhibit <u>D-22</u> is marked for  4 identification.)</p> <p>5 BY MR. TURCHI:  6 Q. This is a document marked as  7 Defendant's <u>Exhibit No. 22</u>. This is a letter  8 from Denise Lamlin to you dated May 7, 2012.  9 Do you remember receiving this letter?</p> <p>10 A. Yes, I believe so.</p> <p>11 Q. All right. She starts by saying  12 this is a response to your letter dated April  13 20, 2012. That was your complaint of  14 harassment/discrimination; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And she also points out there  17 that there was a meeting about that on April  18 27th to discuss your allegations; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember that meeting?</p> <p>21 A. I don't remember.</p> <p>22 Q. Do you know what, if anything,  23 HR at KenCrest did between the time of your  24 letter and the time that they met with you to  25 discuss your allegations in the way of</p>

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<p style="text-align: right;">Page 205</p> <p>1 D. Anderson 2 investigating your complaint? 3 MR. ZAHNER: Objection to 4 form. 5 THE WITNESS: No, I don't. 6 BY MR. TURCHI: 7 Q. Denise says at the end of this 8 first paragraph that we met today, meaning May 9 7th, to discuss the outcome. Do you remember 10 that meeting? 11 A. No. 12 Q. She points out in the second 13 paragraph that you told her and continue to 14 tell her that you feel harassed and you're 15 uncomfortable about your supervisor at Henry 16 Avenue. Is that what she's saying in that 17 second paragraph? 18 A. That's what she's saying, yes. 19 Q. Is that correct, did you tell 20 Denise that? 21 A. Yes. 22 Q. And you told her again, she's 23 saying, at the end of that second paragraph, 24 that you didn't want to go back there and you 25 want to transfer out of Henry Avenue?</p>	<p style="text-align: right;">Page 207</p> <p>1 D. Anderson 2 conversation with Denise Lamlin? 3 A. No, sir. 4 Q. Okay. You never told her 5 anything like that? 6 A. I don't recall that, no. 7 Q. You don't recall it or you -- 8 A. I have not told her I would not 9 return to work. 10 Q. And then she goes on to say, I 11 placed you on a paid administrative leave 12 pending the completion of my review. Did that 13 happen? 14 A. Yes, she did place me on 15 administrative leave. 16 Q. She asked you at the end of this 17 letter to notify her in writing by May 10th if 18 you were interested in available jobs as an RA 19 in Philadelphia or eastern regional programs; 20 is that correct? 21 A. Yes. 22 Q. Did you do that? 23 A. Yes. 24 (Exhibit D-23 is marked for 25 identification.)</p>
<p style="text-align: right;">Page 206</p> <p>1 D. Anderson 2 A. That's not correct. 3 Q. You did not tell her that? 4 A. I don't think so. 5 Q. Okay. Now, we're talking about 6 a meeting that Denise's letter indicates 7 occurred on May 7th of 2012. You weren't 8 telling her as of May 7th that you were 9 feeling harassed there and didn't want to go 10 back to work there? 11 A. I told her I was feeling 12 harassed and I would like to be transferred. 13 Q. All right. So you never said to 14 her you didn't want to go back to work there? 15 A. I don't think so. 16 Q. Okay. Go to the second page of 17 the exhibit, please. In the third line of 18 that paragraph that starts at the top of the 19 page Denise says, during our phone 20 conversation, which she references above 21 taking place on May 2nd, you adamantly told me 22 that returning to your job at Henry Avenue is 23 not an option because you feel uncomfortable 24 there. 25 Did you have that</p>	<p style="text-align: right;">Page 208</p> <p>1 D. Anderson 2 BY MR. TURCHI: 3 Q. Okay. Defendant's Exhibit-23 is 4 another e-mail chain between you and Denise 5 Lamlin provided in discovery as Defendant's 6 236 and 237. The e-mail chain starts on the 7 second page, actually, back on May 2nd. And 8 then on the first page there are a couple of 9 e-mails dated May 23rd and May 24th. Do you 10 see those? 11 A. Uh-huh. 12 Q. You have to speak up? 13 A. Yes. I'm sorry. Yes. 14 Q. Can you confirm that these were 15 e-mails that you sent and received to Denise 16 Lamlin and from Denise Lamlin? 17 A. Yes. 18 Q. Okay. Just so the record is 19 clear, those are e-mails that you sent to 20 Denise and that she sent to you? 21 A. Yes. 22 Q. Correct? 23 A. Yes. 24 (Exhibit D-24 is marked for 25 identification.)</p>

<p style="text-align: right;">Page 209</p> <p>1 D. Anderson    2 BY MR. TURCHI:    3 Q. Showing you Defendant's Exhibit    4 No. 24. This is a two-page document produced    5 in discovery as Defendants 232 and 233. It's    6 a letter dated May 24th from Denise Lamlin to    7 you. Do you remember getting this letter?    8 A. Yes.    9 Q. Now, I want you to turn to the    10 second page, top of the page, the first    11 paragraph, she said that in an interview on    12 Tuesday, May 22nd, you told the interviewer    13 that you can only work on Saturday, Sunday,    14 and one weekday because you have another job.    15 Did you tell the interviewer that?    16 A. Yes.    17 Q. She says, in the next paragraph,    18 it was also reported to me that during the    19 5/22 interview, you made disparaging remarks    20 about the Philadelphia residential program,    21 such as saying that the supervisors don't help    22 when you asked them that the paperwork is too    23 much and you couldn't get it done, et cetera.    24 Did you tell the    25 interviewer that?</p>	<p style="text-align: right;">Page 211</p> <p>1 D. Anderson    2 for her to ask you that question considering    3 she was trying to place you in a position?    4 She would need to know whether you wanted full    5 or part-time work; right?    6 A. Yes.    7 Q. She would need to know what days    8 you were available to work; right?    9 A. Yes.    10 (Exhibit D-25 is marked for    11 identification.)    12 BY MR. TURCHI:    13 Q. Showing you Defendant's Exhibit    14 No. 25, marked in discovery as Defendant's 229    15 and 230. It's a letter from Denise Lamlin,    16 June 1, 2012 to you; is that correct?    17 A. Yes.    18 Q. Do you remember getting this    19 letter?    20 A. Yes.    21 Q. In the fifth paragraph of the    22 first page, it says that you had asked Denise    23 about whether you would receive \$11 an hour in    24 the RA position. Do you remember asking that    25 question?</p>
<p style="text-align: right;">Page 210</p> <p>1 D. Anderson    2 A. No.    3 Q. Did you respond to this letter    4 from Denise saying that that wasn't true?    5 A. I'm not sure.    6 Q. You can put that aside.    7 I'm sorry. We need to go    8 back to that second page, the last paragraph.    9 Denise says to you, you must let me know    10 whether you are available for full-time or    11 part-time work and specifically what days and    12 times you are available.    13 Do you remember Denise    14 asking you that?    15 A. I think so.    16 Q. Do you think that if she was    17 looking to find a position for you, that was a    18 fair question for her to ask you?    19 A. What's the question again?    20 Q. We've established earlier that    21 Denise was working with you to try to find an    22 RA position that was acceptable to you;    23 correct?    24 A. Correct.    25 Q. Do you think that it was fair</p>	<p style="text-align: right;">Page 212</p> <p>1 D. Anderson    2 A. Yes.    3 Q. And Denise was confirming that    4 you would be paid that amount?    5 A. Yes.    6 Q. Did you understand at the time    7 that that was higher or lower or the same as    8 what other RAs were getting paid at the time?    9 A. That was the same as I was    10 getting paid as an RA.    11 Q. That's not what I'm asking you.    12 At the time that KenCrest was finding this    13 position for you, do you know whether RAs were    14 getting paid \$11 an hour or something less?    15 A. Less.    16 Q. So KenCrest was agreeing to pay    17 you \$11 an hour even though RAs were getting    18 paid less?    19 A. Yes.    20 Q. Go to the next page.    21 A. I'm sorry.    22 Q. Denise goes on to tell you there    23 that, at this point, the RA position at Erie    24 Avenue in Telford is available and will be    25 given to you if you wish to accept it.</p>

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1 D. Anderson  
2 Did you accept that job?  
3 A. Yes.  
4 Q. That's where you went to work  
5 and stayed for the rest of your tenure at  
6 KenCrest; correct?  
7 A. Yes.  
8 (Exhibit D-26 is marked for  
9 identification.)  
10 BY MR. TURCHI:  
11 Q. I'm showing you what we've  
12 marked as Defendant's No. 26, which also was  
13 produced in discovery marked as Defendant's  
14 No. 1. This is a supervisory contact sheet  
15 that you received from the CHS who you were  
16 working under at the Erie Avenue house when  
17 you were working as an RA; correct?  
18 A. Yes.  
19 Q. And this was in November of  
20 2012; correct?  
21 A. Yes.  
22 Q. Did you think that this was  
23 harassment or discrimination?  
24 A. Yes.  
25 Q. Did you make any complaints

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1 D. Anderson  
2 Q. Okay. Did you work under -- was  
3 this a female?  
4 A. Yes.  
5 Q. Did you work under her all  
6 during the time that you were an RA at Erie?  
7 A. Yes.  
8 Q. So that was from the end of May  
9 or the beginning of June of 2012, all the way  
10 through until March of 2013; correct?  
11 A. Yes.  
12 Q. Did you get any other forms of  
13 discipline from her other than this contact?  
14 A. Yes.  
15 Q. You got more?  
16 A. Yes.  
17 Q. More forms? Written warnings or  
18 anything like that?  
19 A. Just the supervisory contacts.  
20 Q. You got more than one?  
21 A. Yes.  
22 Q. That's news to me. I'll have to  
23 look for them.  
24 Okay. But again, did she  
25 ever say anything to you about medical

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1 D. Anderson  
2 about that?  
3 A. No.  
4 Q. And this was not by Valerie Van  
5 Kirk; correct?  
6 A. No, sir.  
7 Q. Who was this from?  
8 A. Her name was B -- I can't  
9 pronounce her full name.  
10 Q. But your position is that she  
11 also discriminated against you because of your  
12 medical conditions?  
13 A. My position is that she was --  
14 this was harassment, that's my position.  
15 Q. All right. Because of your  
16 medical conditions?  
17 A. I don't know why she harassed  
18 me.  
19 Q. Was there any other thing that  
20 you think was possible to be harassed for when  
21 you worked at KenCrest? What else was she  
22 harassing you for if it wasn't your medical  
23 conditions?  
24 A. I don't know why she was  
25 harassing me.

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1 D. Anderson  
2 conditions or about leaves of absence or  
3 workers' compensation or anything like that?  
4 A. No.  
5 Q. Did she make any discriminatory  
6 remarks about you at all?  
7 A. No.  
8 MR. TURCHI: All right.  
9 You can put that aside.  
10 (Exhibit D-27 is marked for  
11 identification.)  
12 BY MR. TURCHI:  
13 Q. I'm showing you a document  
14 that's marked Defendant's Exhibit-27, produced  
15 in discovery as Defendant's 65. Did you ever  
16 see this before?  
17 A. Yes.  
18 Q. Was this given to you by the  
19 same supervisor you just complained about?  
20 A. Yes.  
21 Q. And this was in December of  
22 2012, which is a month after the supervisory  
23 contact; correct?  
24 A. Yes.  
25 Q. All right. And she gave you a

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<p>1 D. Anderson  2 verbal warning?  3 A. Yes.  4 Q. And she said you failed to  5 complete the double-check form for LS. Is  6 that a resident?  7 A. Yes.  8 Q. This is your second-time error  9 on double-check medication administration  10 checklist?  11 A. Yes.  12 Q. The first one was 11/18. That's  13 what was referred to in the supervisory  14 contact?  15 A. I think so.  16 Q. All right. And I take it, from  17 what you've already testified to, that you  18 believe this was harassment and discrimination  19 as well?  20 A. Yes.  21 Q. Did you ever complain to anybody  22 about that?  23 A. No.  24 Q. I think we established, but I  25 just need to be clear, you didn't -- do you</p>	<p>1 D. Anderson  2 one that you took at the end of 2012, was back  3 in July of 2011; right?  4 A. Yes.  5 Q. July to September of 2011?  6 A. Yes.  7 Q. Did you know any knowledge -- I  8 think the woman's name is Bozena Wesolowski.  9 Does that sound right to you?  10 A. Yes.  11 Q. She was your supervisor when you  12 were an RA at the end?  13 A. Yes.  14 Q. Do you know whether she even  15 knew you took medical leave?  16 A. I believe she did.  17 Q. How do you believe that?  18 A. She talks to Valerie Van Kirk.  19 Q. So you're assuming that Valerie  20 Van Kirk told her that you took medical leave?  21 A. Yes, I'm assuming.  22 Q. You have no information to  23 support it? That's just your assumption?  24 A. That's my assumption.  25 (Exhibit D-28 is marked for</p>
Page 218	Page 220
<p>1 D. Anderson  2 remember, before you filed a lawsuit, you  3 filed a complaint with the EEOC or the  4 Pennsylvania Human Relations Commission?  5 A. I'm sorry?  6 Q. Do you know what the EEOC is?  7 A. Equal --  8 Q. Equal Employment Opportunity  9 Commission.  10 A. Yes.  11 Q. Do you remember filing a  12 complaint with them before you filed the  13 lawsuit?  14 A. I think so, yes.  15 Q. All right. Do you remember that  16 the basis of your complaint was disability  17 discrimination?  18 A. Yes.  19 Q. And nothing else; right?  20 A. I'm not sure. I --  21 Q. It wasn't race discrimination or  22 gender discrimination or age discrimination?  23 A. No, none of that.  24 Q. Okay. And the last leave that  25 you took at KenCrest of any form, before the</p>	<p>1 D. Anderson  2 identification.)  3 BY MR. TURCHI:  4 Q. Showing you what we've marked as  5 Defendant's Exhibit-28 and marked in discovery  6 as Defendant's 62. Is it correct that this is  7 a note that you wrote or typed to Stephanie  8 Righter?  9 A. Yes.  10 Q. And you said in this note that  11 it's a financial hardship for me to drive an  12 hour to work.  13 A. Yes.  14 Q. I would like to -- I think that  15 should say thank you for the opportunity to  16 work at one of your sites. However, I will  17 not be able to return to work there.  18 A. Yes.  19 Q. So this was your resignation  20 letter?  21 A. Yes.  22 Q. It looks like there's a date on  23 there, effective 3/11/13. Is that accurate as  24 far as you remember, March 11th of '13?  25 A. I think so. I'm not sure of the</p>

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<p style="text-align: right;">Page 221</p> <p>1 D. Anderson 2 exact date. 3 Q. Were you out on workers' 4 compensation leave when -- 5 A. When I wrote this? 6 Q. -- you gave that resignation? 7 A. I think I was cleared then. <del>then</del> 8 Q. You were cleared to go back? 9 A. Yes. 10 Q. You were told to go back by the 11 doctor? 12 A. Yes. 13 Q. And you didn't go back, you 14 resigned? 15 A. Yes. 16 Q. Now, you didn't say anything in 17 your resignation letter to -- who is Stephanie 18 Righter, by the way? 19 A. She was the PD of Erie Avenue. 20 Q. And you didn't say anything to 21 Stephanie in your resignation letter that you 22 were leaving because you were harassed or 23 discriminated against? 24 A. No, I did not. 25 Q. The only thing you told her was</p>	<p style="text-align: right;">Page 223</p> <p>1 D. Anderson 2 in a questionnaire form to get feedback from 3 them about how she was doing her job? 4 A. Could you ask that again, 5 please? 6 Q. Yeah. Isn't it correct that 7 this questionnaire was provided to you and to 8 others at Henry Avenue by Valerie Van Kirk. 9 Do you remember that? 10 A. No. 11 Q. You don't remember it, all 12 right. Why don't you read this and see if it 13 refreshes your memory. Dear community home 14 supervisors, this questionnaire is to help me 15 better understand you, your position and how 16 you feel. It goes on to say, how am I doing 17 as your supervisor? 18 Does that refresh your 19 memory that you filled out something that came 20 from Valerie Van Kirk which gave you an 21 opportunity to tell her how she was doing as 22 your supervisor? 23 A. It doesn't, no. 24 Q. How about reading -- are these 25 your comments?</p>
<p style="text-align: right;">Page 222</p> <p>1 D. Anderson 2 that it was a financial hardship for me to 3 drive an hour to work; correct? 4 A. Yes. 5 (Exhibit D-29 is marked for 6 identification.) 7 BY MR. TURCHI: 8 Q. I'm showing you what we marked 9 as Defendant's <u>Exhibit No. 29</u>. It's a 10 multiple-page document produced in discovery 11 as 380 -- Defendant's 380 through 393. Do you 12 recognize what this is? 13 A. No. 14 Q. It purports to be -- it says 15 supervisor satisfaction questionnaire. Did 16 you ever see something like this when you 17 worked at KenCrest? 18 A. I think so. I think I have. 19 Q. All right. And am I correct 20 that the first two pages of this document you 21 filled out? 22 A. Yes. 23 Q. All right. And does it refresh 24 your memory that this questionnaire was given 25 to you and staff members by Valerie Van Kirk</p>	<p style="text-align: right;">Page 224</p> <p>1 D. Anderson 2 A. They are. This is my 3 handwriting. 4 Q. All right. So, the first 5 question she asked you, do you feel as though 6 I am providing you the support and information 7 necessary to carry out your job expectations? 8 You said no. If not, what can I do to better 9 assist you? And then you gave her a list of 10 things that she could do; right? 11 A. Uh-huh. 12 Q. Yes? 13 A. Yes. I'm sorry. 14 Q. So that doesn't refresh you that 15 Valerie gave you this questionnaire and asked 16 you these questions? 17 A. It doesn't. 18 Q. And you wouldn't know about the 19 remaining pages, which were to the staff? 20 A. I heard about them. 21 Q. You heard about them from staff 22 members? 23 A. Right. They was telling me how 24 she was taking statements from my staff, from 25 the staff about me.</p>

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<p>1 D. Anderson</p> <p>2 Q. About you?</p> <p>3 A. Yes.</p> <p>4 Q. Well, let's look at the third</p> <p>5 page of this document. Do you see where she's</p> <p>6 saying to staff, how do you feel about the</p> <p>7 support --</p> <p>8 A. Here?</p> <p>9 Q. You're on the right page. How</p> <p>10 do you feel about the support I provide as</p> <p>11 your project director? That's not asking</p> <p>12 about you, is it?</p> <p>13 A. No.</p> <p>14 Q. It's asking about her; correct?</p> <p>15 A. Right.</p> <p>16 Q. So she's asking the staff both</p> <p>17 about her and about you; correct?</p> <p>18 A. That's what it looks like.</p> <p>19 Q. Do you take this, what Valerie</p> <p>20 did in handing out this questionnaire, to be a</p> <p>21 form of harassment or discrimination against</p> <p>22 you?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Even though she was</p> <p>25 asking questions about herself?</p>	<p>1 D. Anderson</p> <p>2 At the very bottom -- this</p> <p>3 is Stephanie Righter writing to Lucille</p> <p>4 Bernardo. Do you know who Lucille Bernardo</p> <p>5 was at the time?</p> <p>6 A. She was in HR.</p> <p>7 Q. Did you recognize her to be a</p> <p>8 workers' comp administrator there at KenCrest?</p> <p>9 Did you ever deal with Lucille Bernardo for</p> <p>10 anything other than workers' comp?</p> <p>11 A. No, I don't think so.</p> <p>12 Q. So Stephanie is saying to</p> <p>13 Lucille -- this is regarding you -- hi</p> <p>14 everyone, Dekeshia was permitted to use three</p> <p>15 days of PTO and four days of LTM to make up</p> <p>16 the seven-day waiting period for WC, workers'</p> <p>17 comp, while she was out on workers' comp and</p> <p>18 that would be all. She has been receiving</p> <p>19 workers' comp. However, that stopped this</p> <p>20 Saturday.</p> <p>21 Is that accurate, that your</p> <p>22 worker's comp stopped around Saturday, March</p> <p>23 2nd of 2013. Do you remember that?</p> <p>24 A. I don't know.</p> <p>25 Q. At the top, Lucille Bernardo is</p>
<p>1 D. Anderson</p> <p>2 A. Yep. Yes, sir. I'm sorry.</p> <p>3 Q. And even though she was asking</p> <p>4 questions about her coworkers?</p> <p>5 A. Yes.</p> <p>6 Q. Now, do you have any information</p> <p>7 sitting here today that Valerie Van Kirk did</p> <p>8 not go through this same process with the</p> <p>9 other homes that she supervised?</p> <p>10 MR. ZAHNER: Objection to</p> <p>11 form.</p> <p>12 THE WITNESS: No, sir.</p> <p>13 BY MR. TURCHI:</p> <p>14 Q. You don't know one way or the</p> <p>15 other; right?</p> <p>16 A. I don't know.</p> <p>17 (Exhibit D-30 is marked for</p> <p>18 identification.)</p> <p>19 BY MR. TURCHI:</p> <p>20 Q. I'm showing you what we've</p> <p>21 marked as Defendant's Exhibit-30, produced in</p> <p>22 discovery as Defendant's 470. This is an</p> <p>23 e-mail chain. And, again, you didn't get a</p> <p>24 copy of this. I'm going to ask you about some</p> <p>25 of the content of it.</p>	<p>1 D. Anderson</p> <p>2 responding back to Stephanie Righter. I asked</p> <p>3 her to report, meaning you, to work on 3/12 --</p> <p>4 Saturday 3/12, and she told me she could not</p> <p>5 as she would be out of town.</p> <p>6 Do you remember that</p> <p>7 conversation?</p> <p>8 A. Yes.</p> <p>9 Q. So was that accurate?</p> <p>10 A. Yes.</p> <p>11 Q. She goes on to say, I told her</p> <p>12 that workers' comp benefits would stop on that</p> <p>13 day, as we had work for her and she chose not</p> <p>14 to come back to work.</p> <p>15 Did she tell you that?</p> <p>16 A. I think, yes.</p> <p>17 Q. Okay. She said that she would</p> <p>18 come back to work this coming Saturday.</p> <p>19 Did you tell Lucille that?</p> <p>20 A. Yes, I think so.</p> <p>21 MR. TURCHI: Okay. You can</p> <p>22 put that aside.</p> <p>23 (Exhibit D-31 is marked for</p> <p>24 identification.)</p> <p>25 BY MR. TURCHI:</p>

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1 D. Anderson  
2 Q. Ms. Anderson, I'm showing you  
3 Defendant's Exhibit-31. It's a one-page  
4 letter produced in discovery as Defendant's  
5 474. It's a letter dated March 4, 2013 from  
6 Lucille Bernardo, which says workers'  
7 compensation specialist, to you; is that  
8 correct?

9 A. Yes.

10 Q. Do you remember getting this  
11 letter?

12 A. Yes.

13 Q. You can put that aside. Just  
14 give me a second.

15 I just want to go back to  
16 one point, Ms. Anderson. Do you remember back  
17 in April of 2012 you made the complaint to  
18 Denise Lamlin, to human resources? Do you  
19 remember that?

20 A. Yes.

21 Q. And I think the date of your  
22 letter was April 27th or thereabouts. Am I  
23 correct that you called out sick for about  
24 three days or so after that, before Denise  
25 Lamlin contacted you and put you on paid

1 D. Anderson  
2 far as you know, as a result of that accident?  
3 A. I'm not sure.  
4 Q. During the course of your  
5 employment with KenCrest, from start to  
6 finish, were you ever denied the ability to  
7 take leave?

8 A. No.

9 MR. TURCHI: That completes  
10 my questions. Thanks very much.

11 THE WITNESS: Thank you.  
12 MR. ZAHNER: I have some  
13 follow-ups.

14 - - -  
15 EXAMINATION  
16 - - -

17 BY MR. ZAHNER:

18 Q. Can you look at Exhibit-23? And  
19 then go to the second page. At the top of  
20 that page, there's a letter from -- an e-mail  
21 from Denise Lamlin on May 2nd at 4:19 p.m. Do  
22 you see that?

23 A. Yes.

24 Q. And can you read the second  
25 sentence of that letter?

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1 D. Anderson  
2 administrative leave?  
3 A. I'm not sure.  
4 Q. What was the reason for your  
5 last leave at KenCrest? That was a workers'  
6 comp leave, correct, the very last one?

7 A. We was in a car accident.

8 Q. We being?

9 A. Me, my clients, and the staff  
10 workers.

11 Q. Were you driving?

12 A. Yes.

13 Q. Was anybody else injured in that  
14 accident?

15 A. Yes.

16 Q. How many other staff members  
17 were in that accident?

18 A. One other person.

19 Q. And who was that?

20 A. It was a male. He was there a  
21 short time. I don't -- I think Ishmael. I  
22 think Ishmael.

23 Q. What was his position? RA?

24 A. RA.

25 Q. Did he take workers' comp, as

1 D. Anderson  
2 A. When we spoke today at noon I  
3 felt it best that you not return to work until  
4 I determine a resolution.

5 Q. Whose decision was it for you to  
6 not come back to work?

7 A. Denise Lamlin.

8 Q. And did you tell her you did not  
9 want to come back to work?

10 A. No.

11 Q. And did you ever tell her that  
12 you were -- that you wouldn't work at Henry  
13 Avenue again?

14 A. No.

15 Q. And can you read the e-mail  
16 below that from you on May 2, 2012 at the  
17 bottom?

18 A. Hi Denise --

19 Q. Just read the -- start with the  
20 second sentence.

21 A. I did tell you that I'm  
22 uncomfortable working at Henry Avenue, but I  
23 am not quitting.

24 Q. And this is something you had  
25 told her previously; right?

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Page 233	Page 235
<p>1 D. Anderson</p> <p>2 A. Yes.</p> <p>3 Q. And then if you go to the first</p> <p>4 page of this, there's another e-mail from you</p> <p>5 on Wednesday, May 23rd, starting in the middle</p> <p>6 of the page. And can you just read the last</p> <p>7 sentence in the first paragraph?</p> <p>8 A. I actually told you I was ready</p> <p>9 to report to work for the next shift when you</p> <p>10 put me on administrative leave based on your</p> <p>11 concerns.</p> <p>12 Q. Is that statement true?</p> <p>13 A. Yes.</p> <p>14 Q. And then in the middle of the</p> <p>15 second paragraph you mention that it seems</p> <p>16 like you just terminated me and are treating</p> <p>17 me like an outsider. Why did you feel like</p> <p>18 you were just terminated at that time?</p> <p>19 A. Because I had to go for</p> <p>20 interviews for different sites. And I wasn't</p> <p>21 getting any, you know, job placements from</p> <p>22 her.</p> <p>23 Q. And what was your understanding</p> <p>24 after your conversations with her of the</p> <p>25 reason for your administrative leave?</p>	<p>1 D. Anderson</p> <p>2 form. Go ahead. Go ahead.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. ZAHNER:</p> <p>5 Q. Okay. And then you can put</p> <p>6 those aside. And look at Exhibit-15. It's</p> <p>7 the one with the chart on it. I believe you</p> <p>8 said you didn't make this chart, did you?</p> <p>9 A. No.</p> <p>10 Q. And you said the three, MV, MC</p> <p>11 and KS were likely clients?</p> <p>12 A. Yes.</p> <p>13 Q. Did you only have three clients</p> <p>14 at your location?</p> <p>15 A. At that time.</p> <p>16 Q. At that time you only had three</p> <p>17 clients?</p> <p>18 A. Yes.</p> <p>19 Q. And also look at Exhibit-2.</p> <p>20 Now, at the top of the first page, can you</p> <p>21 just read what date this document was prepared</p> <p>22 on?</p> <p>23 A. 6/3/10.</p> <p>24 Q. And on the last page when you</p> <p>25 signed it, what was the date you actually</p>
<p style="text-align: center;">Page 234</p> <p>1 D. Anderson</p> <p>2 A. My understanding was she was</p> <p>3 going to investigate the situation and get me</p> <p>4 back to work.</p> <p>5 Q. And did you ever tell her you'd</p> <p>6 rather have an RA position rather than a CHS</p> <p>7 position?</p> <p>8 A. No.</p> <p>9 Q. Did you ever tell her that you'd</p> <p>10 rather have a lower paying job?</p> <p>11 A. No.</p> <p>12 Q. Now, I know you were shown a</p> <p>13 series of letters -- if you want to look to</p> <p>14 refresh your recollection, at Exhibit-8,</p> <p>15 Exhibit-9.</p> <p>16 A. Exhibit-8, Exhibit-9.</p> <p>17 Q. And Exhibit-12 and 13 are kind</p> <p>18 of similar to that as well.</p> <p>19 A. 12 and 13?</p> <p>20 Q. Yeah. Just look at those real</p> <p>21 quick. Prior to your injury in December of</p> <p>22 2010, did you ever receive any letters like</p> <p>23 this?</p> <p>24 A. No.</p> <p>25 MR. TURCHI: Object to</p>	<p style="text-align: center;">Page 236</p> <p>1 D. Anderson</p> <p>2 signed off on this document?</p> <p>3 A. 3/26/12.</p> <p>4 Q. You mentioned that after you</p> <p>5 sent them a letter, which is Exhibit-11, if</p> <p>6 you want to look, you sent a letter of a</p> <p>7 complaint of discrimination and harassment.</p> <p>8 And after that, you said there was a meeting</p> <p>9 with you and human resources. Do you remember</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. At that time, did you tell them</p> <p>13 why you felt discriminated?</p> <p>14 A. Yes.</p> <p>15 Q. And why did you feel you were</p> <p>16 discriminated?</p> <p>17 A. Because I went out on workmen's</p> <p>18 comp, and I needed some medical assistance.</p> <p>19 Q. And when you were placed in your</p> <p>20 new position where you said you had to drive,</p> <p>21 I believe 45 -- after you were demoted and you</p> <p>22 had to drive 45 minutes to work, did you</p> <p>23 inform them that you would rather be somewhere</p> <p>24 further away?</p> <p>25 A. No.</p>

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1 D. Anderson  
2 Q. And can you go to Exhibit-29.  
3 It's the one with the smiley face at the top.  
4 Can you go to, I guess, the third place where  
5 you stated that you wrote stuff in there. At  
6 the bottom of that, can you just read the last  
7 sentence in -- for the question, do you  
8 that --

9 A. On page one?

10 Q. Yeah, start on page one. The  
11 question is, do you feel that you have  
12 challenges at your site, do you see that  
13 question?

14 A. This one?

15 Q. Can you just read the last  
16 sentence in that paragraph?

17 A. And I do not feel I can come to  
18 you about it.

19 Q. And when you're saying you don't  
20 feel you can come to you about it, who are you  
21 talking about?

22 A. Valerie Van Kirk.

23 Q. And why did you feel like you  
24 couldn't come to her about stuff?

25 A. Because she would just -- she

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1 D. Anderson  
2 move for sanctions if you don't withdraw that  
3 question. That's a ridiculous question and  
4 you know it.

5 MR. ZAHNER: You can answer  
6 the question.

7 MR. TURCHI: You're going  
8 to stick with that question that you just  
9 asked her, did she maybe mean something else  
10 than what she testified to? Are you serious  
11 about that? If you are, then I think we're  
12 going to have to call the Judge. We'll do it  
13 now.

14 MR. ZAHNER: I guess I can  
15 reword the question.

16 BY MR. ZAHNER:

17 Q. When you state I have not  
18 received any complaint from Valerie Van Kirk,  
19 what are you referring to when you say  
20 complaint?

21 A. From the time that she gave me  
22 the review from the time -- from September  
23 after I returned back, it wasn't like  
24 complaints. What was written up, from what  
25 she was explaining to me, was things that she

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1 D. Anderson  
2 was just like always putting me down, saying  
3 things not happening, and I felt like she was  
4 causing the problem.

5 Q. And referring to Exhibit-29, as  
6 well -- are you okay to continue? I just have  
7 a couple more questions. I think just  
8 probably one question. Can you continue now?

9 A. Yes.

10 Q. I'm referring to document 29.  
11 And prior to your injury in December of 2010,  
12 did you ever see this document before that?

13 A. No.

14 Q. Just give me one minute, I think  
15 that's it.

16 Can you just read to  
17 yourself the second sentence, just to refresh  
18 your recollection? This one right here. You  
19 stated that I have not received any complaint  
20 from Valerie Van Kirk. Did you maybe mean  
21 that you didn't receive any written  
22 discipline?

23 MR. TURCHI: Object to  
24 form. You're leading the witness. You can't  
25 do that. I'll object not only to form, but to

1 D. Anderson  
2 would like done. It wasn't a complaint. It  
3 was just her recommendation. And, actually,  
4 she told me it's what she expected. It was  
5 never a complaint about my work or what I was  
6 doing.

7 MR. ZAHNER: Okay. I think  
8 that's it.

9 MR. TURCHI: Nothing  
10 further. Thanks.

11 - - -

12 (Deposition concluded.)

13 - - -

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1 D. Anderson  
2 CERTIFICATE  
3 U.S. DISTRICT COURT :  
4 EASTERN DISTRICT OF PA :  
5 I, Jackelyn Johnston, before whom  
6 the deposition of said witness was taken, do  
7 hereby certify that the witness, whose  
8 testimony appears in the foregoing deposition,  
9 was duly sworn, and that the transcribed  
10 deposition of said witness is a true record of  
11 the testimony given by the witness; that the  
12 proceedings herein are recorded fully and  
13 accurately; that I am neither attorney nor  
14 counsel for, nor related to any of the parties  
15 to the action in which this deposition was  
16 taken; and, further, that I am not a relative  
17 of any attorney or counsel employed by the  
18 parties hereto, or financially interested in  
19 this action.

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25 JACKELYN A. JOHNSTON, Court Reporter